

No. 10303

United States vrl
2328
Circuit Court of Appeals
For the Ninth Circuit. /

WASHINGTON BREWERS INSTITUTE, et al.,
Appellants,

vs.


UNITED STATES OF AMERICA,
Appellee.

Transcript of Record

Upon Appeal from the District Court of the United States
for the Western District of Washington
Northern Division

FILED

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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In the District Court of the United States
for the Western District of Washington,
Northern Division

November Term 1940

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE;
CALIFORNIA STATE BREWERS INSTI-
TUTE; IDAHO BREWERS INSTITUTE,
INC.; BREWERS INSTITUTE OF ORE-
GON; BOHEMIAN BREWERIES, INC.;
COLUMBIA BREWERIES, INC.; GOLDEN
AGE BREWERIES, INC.; INTERSTATE
BREWERY COMPANY; OLYMPIA BREW-
ING COMPANY; PIONEER BREWING
COMPANY; SEATTLE BREWING &
MALTING COMPANY; THE SPOKANE
BREWERY, INC.; ACME BREWERIES;
PACIFIC BREWING & MALTING COM-
PANY; REGAL AMBER BREWING COM-
PANY; RAINIER BREWING COMPANY;
GOLDEN WEST BREWING COMPANY;
SAN FRANCISCO BREWING CORPORA-
TION; BECKER PRODUCTS COMPANY;
EAST IDAHO BREWING, INC.; OVER-
LAND BEVERAGE COMPANY, INC.;
GREAT FALLS BREWERIES, INC.;

BLITZ-WEINHARD COMPANY; SALEM
BREWERY ASSOCIATION; HENRY T.
IVERS; HERBERT J. DURAND; PETER
G. SCHMIDT; EDWIN F. THEIS; WIL-
LIAM H. MACKIE; KARL F. SCHUSTER;
JOSEPH E. KNAPP; WILLIAM P.
BAKER; JOSEPH GOLDIE; JAMES G.
HAMILTON; CHARLES H. LURMANN;
STEVE T. COLLINS; HENRY W. WES-
SINGER; GEORGE W. STACKMAN;
GEORGE F. PAULSEN; RENE BESSE;
JOSEPH F. LANSER; HARRY R. LAW-
TON; G. V. UHR; ADOLPH D. SCHMIDT;
RUSSELL G. HALL; EMIL G. SICK;
GEORGE W. ALLEN; ARNOLD WARK;
MORRIS ROSAUER; LOUIS T. BRAVOS;
JOSEPH M. ROTHCHILD; GUS L.
BECKER; C. C. WILCOX; E. LOUIS POW-
ELL; LOUIS MATHIAS and ARMAND J.
RAVETTI,

Defendants.

INDICTMENT

United States of America,
Western District of Washington,
Northern Division—ss.

The grand jurors of the United States of Amer-
ica being duly selected, impaneled, sworn, and
charged to inquire within and for the Northern
Division of the Western District of Washington,
upon their oaths present: [3]

COUNT ONE

Period of Time Covered by This Indictment

1. Each allegation in this indictment made that an act has been performed by any of the defendants herein shall be deemed to be an allegation that such act was performed within the three years next preceding the date of the return of this indictment unless otherwise expressly stated.

Definition of Terms

2. The term “breweries” as used in this indictment means those companies and individuals engaged in the business of manufacturing beer.

3. The term “wholesalers” as used in this indictment means those companies and individuals engaged in the business of purchasing beer from breweries and selling the same to retailers.

4. The term “importers” as used in this indictment means those companies and individuals who purchase and receive beer from sources outside of the State or Territory in which such companies and individuals are engaged in business and who sell such beer to wholesalers and retailers in the State or Territory in which they are doing business.

5. The term “distributors” as used in this indictment means wholesalers, importers and companies and individuals acting as agents for breweries in the sale and distribution of beer.

6. The term “retailers” as used in this indictment means those companies and individuals en-

gaged in the business of purchasing beer from wholesalers, importers and distributors and selling same to consumers.

7. The term "beer" as used in this indictment means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in water and for the purposes of this indictment said term "beer" shall include the alcoholic malt beverage commonly known as ale.

8. The term "Pacific Coast Area" as used in this indictment [4] indicates those territories comprised within the States of Washington, California, Idaho, and Oregon.

The Defendants

9. The following named institutes, hereinafter sometimes referred to as defendant associations, are hereby indicted and made defendants herein. Each of said associations is a non-profit corporation or association duly organized and existing and authorized to do business under and by virtue of the laws of the State of incorporation or organization as indicated below and with principal place of business as indicated below. Membership in each of said associations has been and now is composed of companies directly, and through subsidiaries and affiliates, engaged in the manufacture, distribution, and sale of beer.

Name of Institute	State of Organization or Incorporation	Principal Place of Business
The Washington Brewers Institute	Washington	Seattle, Washington.
California State Brewers Institute	California	San Francisco, California.
Idaho Brewers Institute, Inc.	Idaho	Boise, Idaho.
Brewers Institute of Oregon	Oregon	Portland, Oregon.

Said associations (hereinafter sometimes referred to, for purposes of brevity and differentiation, as Washington Association, California Association, Idaho Association, and Oregon Association, respectively) were organized for the purpose of promoting the sale, use, and consumption of beer as a beverage and of fixing and stabilizing the sale prices of beer.

10. The following named companies, hereinafter sometimes referred to as defendant companies, are hereby indicted and made defendants herein. Each of said companies is a corporation duly organized and existing and authorized to do business under and by virtue of the laws of the State of incorporation and with principal place of business as indicated below. At all times and dates herein mentioned [5] each of said defendant companies, directly and through subsidiaries and affiliates, has been and is engaged in the manufacture, distribution and sale of beer and said defendant companies have been and now are members of the respective defendant associations as indicated below:

Name of Company	State of Incorporation	Principal Place of Business	Association Membership
Bohemian Breweries, Inc.	Washington	Spokane,	Washington,
Columbia Breweries, Inc.	Washington	Washington	Idaho and Oregon
Golden Age Breweries, Inc.	Washington	Tacoma,	Washington,
Interstate Brewery Company	Washington	Washington	Idaho and Oregon
Olympia Brewing Company	Washington	Spokane,	Washington,
Pioneer Brewing Company	Washington	Washington	Idaho and Oregon
Seattle Brewing & Malting Company	Washington	Vancouver,	Washington and Oregon
The Spokane Brewery, Inc.	Washington	Washington	Washington and Oregon
Aeme Breweries	California	Seattle,	Washington and Oregon
Pacific Brewing & Malting Company	California	Washington	Washington,
		Spokane,	Idaho and Oregon
		Washington	California,
		San Francisco,	Idaho and Oregon
		California	California and Oregon
		San Francisco,	
		California	

Name of Company	State of Incorporation	Principal Place of Business	Association Membership
Regal Amber Brewing Company	California	San Francisco, California	California
Rainier Brewing Company	California	San Francisco, California	California and Oregon
Golden West Brewing Company	California	Oakland, California	Oregon
San Francisco Brewing Corporation	California	San Francisco, California	California
Becker Products Company	Utah	Ogden, Utah	Idaho
East Idaho Brewing, Inc.	Idaho	Pocatello, Idaho	Idaho
Overland Beverage Company, Inc.	Idaho	Nampa, Idaho	Idaho
Great Falls Breweries, Inc.	Montana	Great Falls, Montana	Idaho
Blitz-Weinhard Company	Oregon	Portland, Oregon	Oregon and Idaho
Salem Brewery Association	Oregon	Salem, Oregon	Oregon

[6]

11. The following named individuals, hereinafter sometimes referred to as the individual defendants, are hereby indicted and made defendants herein. Each of said individuals now occupies the respective position with defendant associations and defendant companies and now resides at the respective address as indicated below:

Name	Position	Residence
Henry T. Ivers	Chairman, Washington Association	Seattle, Washington
Herbert J. Durand	Secretary and Manager, Washington Association	Seattle, Washington
Peter G. Schmidt	President and Director, Olympia Brewing Company; First Vice Chairman, Washington Association; and Director, Oregon Association	Olympia, Washington
Edwin F. Theis	President and Director, Bohemian Breweries, Inc. and Second Vice Chairman, Washington Association	Spokane, Washington
William H. Mackie	Secretary and Treasurer, Seattle Brewing & Malt-ing Company; Director, The Spokane Brewery, Inc.; and Treasurer, Washington Association	Seattle, Washington
Karl F. Schuster	President, California Association and President and Director, Acme Breweries	San Francisco, California

Name	Position	Residence
Joseph E. Knapp	President and Director, Pacific Brewing & Malt-ing Company and Sec-ond Vice President, Cali-fornia Association	San Francisco, California
William P. Baker	President and Director, Regal Amber Brewing Company and Third Vice President, California As-sociation	San Francisco, California
Joseph Goldie	President and Director, Rainier Brewing Com-pany, and Treasurer, California Association	San Francisco, California
James G. Hamilton	Secretary, California As-sociation	San Francisco, California
Charles H. Lurmann	Director, California As-sociation and Treasurer and Director, San Fran-cisco Brewing Corpora-tion	San Francisco, California
Steve T. Collins	President, Secretary and Treasurer, Idaho Asso-ciation and Manager, Branch Office and Plant of Bohemian Breweries, Inc., at Boise, Idaho	Boise, Idaho
Henry W. Wessinger	President and Director, Blitz - Weinhard Com-pany and President and Director, Oregon Asso-ciation	Portland, Oregon
George W. Stackman	Vice-President and Di-rector, Oregon Associa-tion and President and Director, Salem Brew-ery Association	Salem, Oregon

[7]

Name	Position	Residence
George F. Paulsen	Secretary, Oregon Association	Portland, Oregon
Rene Besse	Director, Oregon Association and formerly General Manager, The Spokane Brewery, Inc.	Silver City, New Mexico
Joseph F. Lanser	President and Sales Manager, Columbia Breweries, Inc. and Vice-President and Director, East Idaho Brewing, Inc.	Tacoma, Washington
Harry R. Lawton	Vice-President and Secretary, Columbia Breweries, Inc.	Medina, Washington
G. V. Uhr	Secretary-Treasurer and Director, Interstate Brewery Company	Vancouver, Washington
Adolph D. Schmidt	Vice-President and Director, Olympia Brewing Company	Olympia, Washington
Russell G. Hall	President, Pioneer Brewing Company	Aberdeen, Washington
Emil G. Sick	President and Director, Seattle Brewing & Malting Company; President and Director, The Spokane Brewery, Inc.; and President and Director, Great Falls Breweries	Seattle, Washington
George W. Allen	Vice-President, Manager and Director, Seattle Brewing & Malting Company, and Director, The Spokane Brewery, Inc.	Seattle, Washington

Name	Position	Residence
Arnold Wark	Sales Manager, Seattle Brewing & Malting Com- pany	Seattle, Washington
Morris Rosauer	Former Vice-President and General Manager, Golden Age Breweries, Inc.	Spokane, Washington
Louis T. Bravos	Sales Manager, Acme Breweries	San Francisco, California
Joseph M. Rothchild	Vice - President, Blitz- Weinhard	Portland, Oregon
Gus L. Becker	President and Treasurer, Becker Products Com- pany	Ogden, Utah
C. C. Wilcox	Sales Manager, Becker Products Company	Ogden, Utah
E. Louis Powell	Former President, Ida- ho Association and For- mer President, East Idaho Brewing, Inc.	Pocatello, Idaho
Louis Mathias	Vice-President, Overland Beverage Company, Inc.	Nampa, Idaho
Armand J. Ravetti	Former Employee and Agent, Washington As- sociation, and Super- visor, "Field Service Bureau", Washington Association	Seattle, Washington

12. Whenever in this indictment reference is made to any act, deed or transaction on the part of defendant associations, or any of them, it shall be deemed to be and shall be an allegation that such act, deed or transaction was performed or commit-

ted by said association at the instigation and behest and under the direction, domination, and control of the officers, trustees, directors, agents and members of said association. And whenever in this indictment reference is made [9] to any act, deed or transaction on the part of defendant companies, or any of them, it shall be deemed to be and shall be an allegation that the directors, officers, agents and employees of the respective companies, and their subsidiaries and affiliates, authorized, ordered, or performed such act, deed, or transaction for and on behalf of their respective companies while actively engaged in the management, direction and control of its affairs.

13. At all times and dates herein mentioned the defendant associations have been and now are controlled and dominated by the defendant companies and the defendant individuals.

14. Whenever in this indictment initials are used to describe and identify any individual defendant, the Christian or given name of such individual defendant is to the grand jurors unknown.

Nature and Extent of Trade and Commerce Involved

15. The business of manufacturing and distributing beer in the Pacific Coast Area is one of vast proportions. In the year 1940, over three and one-half million barrels of beer, each barrel containing thirty-one gallons, having a value in excess of \$70,000,000, were consumed in said Area. Approximately 10% of the beer consumed in said Pacific

Coast Area in the year 1940 was shipped into said Area in interstate trade and commerce from States of the United States other than the States included within the Pacific Coast Area. Approximately 90% of the beer consumed within the Pacific Coast Area in the year 1940 was manufactured in the four States comprising said Area, the greater portion thereof being manufactured by breweries having plants located in the States of Washington and California. Substantial quantities of beer are sold and shipped in interstate trade and commerce by breweries having plants located within each of the States comprising the Pacific Coast Area to importers and distributors of such beer doing business in each of the other States comprising the said Pacific Coast Area, for distribution and consumption therein. Approximately 55% of the beer consumed in the State of Oregon is sold to importers and distributors [10] of such beer doing business within said State and is shipped into said State in interstate commerce by breweries having plants located in the States of Washington and California, for distribution and consumption in said State of Oregon. Approximately 50% of the beer consumed in the State of Idaho is sold to importers and distributors of such beer doing business within said State and is shipped into said State in interstate trade and commerce by breweries having plants located in the States of Washington and California, for distribution and consumption in said State of Idaho. Substantial quantities of beer consumed within the

State of Washington are sold to importers and distributors of beer doing business within said State and are shipped into said State in interstate trade and commerce by breweries having plants located in the other States of the Pacific Coast Area. Substantial quantities of beer consumed within the State of California are sold to importers and distributors of beer doing business within said State and are shipped into said State in interstate trade and commerce by breweries having plants located in other States of the Pacific Coast Area. In excess of 75% of the beer sold, shipped, and distributed in interstate trade and commerce in the Pacific Coast Area, as aforesaid, is manufactured and is then sold and shipped in such trade and commerce by the defendant breweries located in the various States of said Area.

The Conspiracy

16. Beginning on or about the 1st day of January 1935, the exact date being to the grand jurors unknown, and continuing thereafter up to and including the date of presentation of this indictment, defedants herein, occupying a dominant and controlling position in the sale and distribution of beer in interstate trade and commerce, as aforesaid, together with other persons to the grand jurors unknown, well knowing all of the foregoing facts, have wilfully and unlawfully formed and engaged in a wrongful and unlawful combination and conspiracy to raise, fix, stabilize and maintain, uniform, artificial and non-competitive prices for beer

sold and distributed in the Pacific Coast [11] Area in interstate trade and commerce, as aforesaid, and as a part of said conspiracy, and in pursuance thereof, said defendants have arbitrarily, wilfully and unlawfully raised, fixed, stabilized and maintained uniform, artificial, and non-competitive prices in the sale of beer in interstate trade and commerce in the Pacific Coast Area as aforesaid, which combination and conspiracy has been and now is in restraint of trade and commerce among the several States of the United States in violation of Section 1 of the Act of Congress approved July 2, 1890 entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies" (26 Stat. 209), commonly known as the Sherman Act, said combination and conspiracy being now described in further detail, that is to say:

Means Used to Effectuate Conspiracy

17. As a part of said unlawful combination and conspiracy in restraint of interstate trade and commerce, as aforesaid, and to effectuate the purposes thereof, the defendant agreed upon and utilized by concerted action, divers means and methods, including among others the following:

(a) Defendant companies and defendant individuals caused to be organized and organized said defendant associations, to wit: The Washington Brewers Institute, California State Brewers Institute, Idaho Brewers Institute, Inc., and Brewers Institute of Oregon under the respective laws of Washington, California,

Idaho and Oregon, and said associations were thereupon and continuously thereafter utilized for the accomplishment of the objectives and purposes herein set forth and described; said associations were supported and maintained by the defendant breweries by means of assessments and dues levied upon and paid by said defendants in proportion to their respective aggregate sales in each of said States in said Pacific Coast Area.

(b) Defendants agreed upon, fixed and determined uniform, artificial and non-competitive prices to be charged for beer and [12] price levels to be stabilized and maintained for beer sold and distributed in the Pacific Coast Area in interstate trade commerce, as aforesaid, and pursuant to said combination and conspiracy said defendant breweries thereafter sold and distributed beer in interstate trade and commerce in said Area at said uniform, artificial and non-competitive prices and price levels so fixed, determined and agreed upon as aforesaid.

(c) Defendants agreed upon and established uniform and non-competitive terms and conditions of sale of beer in interstate trade and commerce in said Pacific Coast Area, and defendants included said uniform and non-competitive terms and conditions of sale in all contracts and agreements providing for the sale of beer in interstate trade and commerce as afore-

said, and said defendants required all purchasers of beer to adhere to said uniform and non-competitive terms and conditions of sale.

(d) Defendants agreed upon and established classifications of purchasers of beer and the prices to be charged each such classification in the sale of beer in interstate trade and commerce in said Pacific Coast Area, and defendant breweries adhered to said classifications and said prices in their sales of beer in interstate trade and commerce in said Area, as aforesaid, and required all wholesalers, distributors, importers and retailers in said Area to adhere to said classifications and said prices.

(e) Defendants agreed upon and used uniform types of bottles, containers and packages in the sale of beer in said Pacific Coast Area, as aforesaid, and further agreed upon uniform refunds and allowances for the return of empty bottles and containers; defendants refused to grant refunds in amounts other than those which had been agreed upon and fixed, as [13] aforesaid, and required all wholesalers, distributors, importers and retailers in said Area to sell beer in such uniform types of bottles, containers and packages and refused to grant refunds for empty bottles and containers other than those so agreed upon and fixed by said defendants as aforesaid.

(f) Defendants employed agents, denominated administrators, supervisors and investi-

gators who, under defendants' instructions and on the defendants' behalf, closely supervised, checked and effectually policed the respective beer markets in cities, towns and trade areas in said Pacific Coast Area for the purpose of securing adherence to the prices and price levels fixed by defendants as aforesaid; fines and penalties were levied and collected by said agents from those failing to adhere to the prices and terms for the sale of beer fixed by the defendants as aforesaid, said fines and penalties being ostensibly imposed, however, for alleged violations of the provisions of the respective liquor control statutes and the rules and regulations promulgated by the respective liquor control board or commission or commissioner or administrator in force in the respective States of said Area, and the sums of money so collected by the defendants were not turned over to the appropriate authorities of the States in which said alleged violations of law occurred but were converted by the defendants to their own use.

(g) Defendants coerced wholesalers, distributors, importers and retailers to adhere strictly to the prices and price levels and the terms and conditions for the sale of beer agreed upon and fixed by defendants, as aforesaid, by threats that the sources of supply of beer of said wholesalers, distributors, importers and retailers would be cut off and their contracts and agree-

ments for supplies of beer cancelled should they [14] sell beer at prices below the prices and price levels established by said defendants or should they refuse to adhere in any respects to the uniform and non-competitive terms and conditions of sale of beer sold and distributed in interstate trade and commerce by said defendants as aforesaid.

(h) In order to prevent the sale of beer at prices less than those agreed upon and fixed, as aforesaid, defendant breweries agreed among themselves to repurchase, and did repurchase, from the respective wholesalers, distributors, importers and retailers of their respective beers any beer manufactured by the respective defendant breweries when the same was offered for sale by such wholesalers, distributors, importers and retailers at prices less than those agreed upon, determined and fixed as aforesaid, such repurchases being made to remove such beer (which was termed in the industry "distressed beer") from the particular market where it was being offered for sale.

(i) Under the respective laws of the States of the Pacific Coast Area relating to the manufacture, sale, distribution and consumption of alcoholic liquors and alcoholic malt beverages, there was created in each of said States a control authority known as a liquor control board or commission or commissioner or administrator, said authority being charged by statute with

the enforcement of the provisions of said laws and empowered to make all necessary and proper rules and regulations in the administration thereof. Defendants agreed upon, recommended and urged the adoption and promulgation by the respective control authority in each State of said Pacific Coast Area of rules and regulations whereby each of said States was arbitrarily divided into geographical trade areas known as "zones" and all brewers and importers of beer selling beer in said zones were required to file with said control authority [15] in each of said States price lists which were designated and known as "price postings" showing the prices at which beer manufactured by such brewers and imported by such beer importers should be sold in each of said zones; said rules and regulations prohibited the sale of beer at prices other than those so posted, and imposed penalties for failure to adhere to such posted prices; said rules and regulations further provided that prices posted in said States, as aforesaid, should not become effective until a certain period of time had elapsed after the filing thereof; and said rules and regulations further required all breweries and importers, desiring to engage in business in the sale of beer in said States in said Area, to file with the respective control authority copies of all written contracts and memoranda of oral agreements, including all terms and conditions

of sale, between breweries and wholesalers and between importers and breweries and wholesalers engaged in business in the sale of beer in said States; defendants recommended and urged the adoption of said zones and said price posting rules and regulations by the liquor control authority in each State as aforesaid so that said zoning and price posting systems could be utilized by the defendants to further and effectuate their unlawful scheme and conspiracy to raise, fix, make uniform, and maintain arbitrary and non-competitive prices and terms and conditions of sale of beer in the Pacific Coast Area as aforesaid.

(j) Defendants held frequent and periodic meetings at which they agreed upon, determined and fixed artificial and non-competitive zone prices, uniform within each zone, to be posted with each of said control authorities of the Pacific Coast Area and to be charged in each of the respective zones of each of [16] said States for beer sold in said States and the respective zones thereof.

(k) Defendant breweries, instead of filing their price lists or price postings with the respective liquor control authorities in the Pacific Coast Area as contemplated by law in force in said States, from time to time sent their price lists and price postings to each other and to the defendant associations, and defendant breweries requested said associations to file

prices for the respective defendant breweries with the respective liquor control authorities in the respective States in the Pacific Coast Area; and under instructions from the defendant companies and individual defendants said associations made said price postings uniform for all defendant breweries filing prices for particular zones, that is to say, defendant breweries from time to time sent tentative lists of price postings to the respective associations with instructions to conform such price postings so submitted to the uniform prices agreed upon by defendants for each of said zones, and said associations complied with said instructions and whenever necessary conformed and changed such prices so submitted by defendant breweries so as to make them all uniform in each such zone, and when filed and posted by defendant associations with the respective liquor control authorities said prices of the defendant breweries were in fact all uniform and non-competitive in each of said zones.

(1) Defendants sold beer in the Pacific Coast Area in interstate trade and commerce at the prices and upon the terms and conditions of sale so agreed upon and fixed and determined and posted as aforesaid.

(m) Defendant breweries withheld and suspended shipment of beer to wholesalers, distributors, importers and retailers of beer who [17] failed to adhere in their sales of beer to

prices and price postings agreed upon, fixed and posted by defendants as aforesaid.

(n) Defendants attempted to induce and did induce breweries located in States of the United States outside of the Pacific Coast Area to sell beer in interstate trade and commerce in said Area at the prices and price levels arbitrarily fixed, determined, agreed upon and posted by the defendants as aforesaid.

(o) Defendants attempted to induce and did induce breweries located in States of the United States outside of the Pacific Coast Area to refrain from selling beer in interstate trade and commerce to wholesalers, distributors, importers and retailers located in such Area who had failed to adhere to the prices and price levels agreed upon, fixed and posted as aforesaid.

(p) Defendants have utilized said defendant associations as instrumentalities for the collection and exclusive dissemination among themselves of statistical data and information as to all phases of the beer industry in the Pacific Coast Area and such information has materially aided the defendants in effectuating their price fixing activities as hereinabove described.

Effect of Conspiracy

18. The purpose, intent and effect of such combination and conspiracy and each of the acts of the defendants were and have been to fix the prices, terms and conditions of sale of beer in interstate trade and commerce in the Pacific Coast Area and

to prevent breweries located in States outside of the Pacific Coast Area from selling and distributing beer in interstate trade and commerce in said Pacific Coast Area except in compliance with terms and conditions agreed upon, fixed and determined by the defendants as aforesaid and interstate trade and [18] commerce in beer among the several States was thereby intentionally and unlawfully restrained.

Jurisdiction and Venue

19. The combination and conspiracy herein described has operated and has been carried out in part in the Western District of Washington, Northern Division, and within the jurisdiction of this court. In pursuance of said combination and conspiracy defendants in said District and Division held numerous meetings at which the practices and policies described in Paragraph 17 hereof were discussed and formulated and from time to time agreed upon by the defendants; from time to time defendants also conferred with one another and communicated with one another orally and in writing within said District and Division during the course of which the prices and price policies of the defendants were discussed, determined upon and made uniform and plans and methods of procedure adopted for continued concerted action designed to aid in stabilizing and maintaining said uniform prices and price levels; and within said District and Division the defendants have performed the acts and carried on the activities referred to in Paragraph 17 of this indictment.

And so the grand jurors aforesaid, upon their oaths aforesaid, do find and present that the defendants, throughout the period aforesaid, at the places and in the manner and form aforesaid, wilfully and unlawfully have engaged in a continuing combination and conspiracy in restraint of trade and commerce in beer among the several States of the United States of America, contrary to the form of the statute of the United States of America in such case made and provided, and against the peace and dignity of the United States of America.

COUNT TWO

And the grand jurors aforesaid, upon their oaths aforesaid, inquiring as aforesaid, do hereby reaffirm, reallege, and incorporate herein by reference, as if herein set forth in full, each of the allegations set forth in Paragraphs 1 to 14 inclusive of Count One of this [19] indictment.

Nature and Extent of Trade and Commerce Involved

20. Substantially all of the beer consumed in the Territory of Alaska is manufactured and supplied by breweries located in various States of the United States and is shipped by said breweries in trade and commerce between said States and the Territory of Alaska. Defendant breweries manufacture beer at their plants located within the Pacific Coast Area and from their stocks of beer so manufactured sell and ship substantial quantities thereof in trade and commerce to wholesalers, distributors, import-

ers and retailers of beer in the Territory of Alaska. Defendant breweries supply in excess of 75% of all beer sold, distributed and consumed in the Territory of Alaska.

The Conspiracy

21. Beginning on or about the first day of January, 1935, the exact date being to the grand jurors unknown, and continuing thereafter up to and including the date of presentation of this indictment, the defendants herein, occupying a dominant and controlling position in the sale and distribution of beer in trade and commerce between the States of said Pacific Coast Area and the Territory of Alaska as aforesaid, together with other persons to the grand jurors unknown, well knowing all of the foregoing facts, have wilfully and unlawfully formed and engaged in a wrongful and unlawful combination and conspiracy to raise, fix, stabilize and maintain uniform, artificial and non-competitive prices for beer sold and shipped in trade and commerce between states of the said Pacific Coast Area and the Territory of Alaska, and as a part of said conspiracy, and in pursuance thereof, said defendants have arbitrarily, wilfully and unlawfully raised, fixed, stabilized and maintained uniform, artificial, and non-competitive prices in the sale of beer in trade and commerce between the states of said Pacific Coast Area and the Territory of Alaska, which combination and conspiracy has been and is now in restraint of trade and commerce between the several states of the United States and

the Territory of Alaska in violation of Section 3 of the Act of Congress approved July 2, 1890, entitled "An Act to Protect Trade and [20] Commerce Against Unlawful Restraints and Monopolies" (26 Stat. 209), commonly known as the Sherman Act, said combination and conspiracy being now described in further detail, that is to say:

Means Used to Effectuate Conspiracy

22. As a part of said unlawful combination and conspiracy in restraint of trade and commerce as aforesaid and to effectuate the purposes thereof, the defendants agreed upon and utilized by concerted action, divers means and methods, including among others the following:

(a) Defendant companies and defendant individuals caused to be organized and organized said defendant associations, to wit: The Washington Brewers Institute, California State Brewers Institute, Idaho Brewers Institute, Inc., and Brewers Institute of Oregon under the respective laws of Washington, California, Idaho and Oregon, and said associations were thereupon and continuously thereafter utilized for the accomplishment of the objectives and purposes herein set forth and described; said associations were supported and maintained by the defendant breweries by means of assessments and dues levied upon and paid by said defendants in proportion to their respective aggregate sales in each of said States in said Pacific Coast Area.

(b) Defendants agreed upon, fixed, and determined uniform, artificial and non-competitive prices to be charged for beer and price levels to be stabilized and maintained for beer sold and shipped in trade and commerce between the states of said Pacific Coast Area and the Territory of Alaska, as aforesaid, and pursuant to said combination and conspiracy said defendant breweries thereafter sold and distributed beer in said trade and commerce at said uniform, artificial and non-competitive prices and price levels so fixed, determined and agreed upon as aforesaid.

(c) Defendants agreed upon and established uniform and non-com- [21] petitive terms and conditions of sale of beer in trade and commerce between the states of said Pacific Coast Area and the Territory of Alaska and defendants included said uniform and non-competitive terms and conditions of sale in all contracts and agreements providing for the sale of beer in said trade and commerce, and said defendants required all purchasers of beer in the Territory of Alaska to adhere to said uniform and non-competitive terms and conditions of sale.

(d) Defendants agreed upon and established classifications of purchasers of beer and the prices to be charged each such classification in the sale of beer in trade and commerce between the states of said Pacific Coast Area

and the Territory of Alaska and defendant breweries adhered to said classifications and said prices in their sales of beer in said trade and commerce and required all wholesalers, distributors, importers and retailers in the Territory of Alaska to adhere to said classifications and said prices.

(e) Defendants agreed upon and used uniform types of bottles, containers and packages in the sale of beer in trade and commerce between the states of said Pacific Coast Area and the Territory of Alaska and further agreed upon uniform refunds and allowances for the return of empty bottles and containers; defendant breweries refused to grant refunds in amounts other than those which had been agreed upon and fixed, as aforesaid, and required all wholesalers, distributors, importers and retailers in the Territory of Alaska to sell beer in said Territory in such uniform types of bottles, containers and packages and refused to grant refunds for empty bottles and containers other than those so agreed upon and fixed by said defendants as aforesaid. [22]

(f) Defendants employed agents and investigators who, under defendants' instructions and on the defendants' behalf, closely supervised, checked and effectually policed the respective beer markets in cities, towns and trade areas in the Territory of Alaska for the purpose of securing adherence to the prices and price levels fixed by defendants as aforesaid.

(g) Defendants coerced wholesalers, distributors, importers and retailers in the Territory of Alaska to adhere strictly to the prices and price levels and the terms and conditions for the sale of beer agreed upon and fixed by defendants as aforesaid by threats that the sources of supply of beer of said wholesalers, distributors, importers and retailers would be cut off and their contracts and agreements for supplies of beer cancelled should they sell beer at prices below prices and price levels established by said defendants.

(h) Defendant breweries withheld and suspended shipment of beer to wholesalers, distributors, importers and retailers of beer in the Territory of Alaska who failed to adhere in their sales of beer to the prices and price levels agreed upon, fixed and determined by the defendants as aforesaid.

(i) Defendants attempted to induce and did induce breweries located in States of the United States outside of the Pacific Coast Area to sell beer in trade and commerce between said states located outside of the Pacific Coast Area and the Territory of Alaska at the prices and price levels arbitrarily fixed, determined and agreed upon by the defendants as aforesaid.

[23]

(j) Defendants attempted to induce and did induce breweries located in States of the United

States outside of the Pacific Coast Area to refrain from selling beer to wholesalers, distributors, importers and retailers located in the Territory of Alaska who had failed to adhere to the prices and price levels agreed upon, fixed and determined by the defendants as aforesaid.

(k) Defendant breweries from time to time sent to each other and to the defendant associations their price lists and prices for the sale of beer to the wholesalers, distributors, importers and retailers in the Territory of Alaska so that said price lists and prices could be made uniform and identical.

(l) Defendants have utilized said defendant associations as instrumentalities for the collection and exclusive dissemination among themselves of statistical data and information as to all phases of the beer industry in the Territory of Alaska and such information has materially aided the defendants in effectuating their price fixing activities as hereinabove described.

Effect of Conspiracy

23. The purpose, intent and effect of such combination and conspiracy and each of the acts of the defendants were and have been to fix the prices, terms and conditions of sale of beer in trade and commerce between the states of the Pacific Coast Area and the Territory of Alaska and between the States of the United States and the Territory of Alaska and to prevent breweries located in States of the United States outside of the Pacific Coast

Area from selling and shipping beer in trade and commerce to the Territory of Alaska except in compliance with terms and conditions agreed upon, fixed and determined by the defendants as aforesaid and trade and commerce in beer between [24] the several States of the United States and the Territory of Alaska was thereby intentionally and unlawfully restrained.

Jurisdiction and Venue

24. The combination and conspiracy herein described has operated and has been carried out in part in the Western District of Washington, Northern Division, and within the jurisdiction of this court. In pursuance of said combination and conspiracy defendants in said District and Division held numerous meetings at which the prices and policies described in Paragraph 22 hereof were discussed and formulated and from time to time agreed upon by the defendants; from time to time defendants also conferred with one another and communicated with one another orally and in writing within said District and Division during the course of which the prices and price policies of the defendants were discussed, determined upon and made uniform and plans and methods of procedure adopted for continued concerted action designed to aid in stabilizing and maintaining said uniform prices and price levels; and within said District and Division the defendants have performed the acts and carried on the activities referred to in Paragraph 22 of this indictment.

And so the grand jurors aforesaid, upon their oaths aforesaid, do find and present that the defendants, throughout the period aforesaid, at the places and in the manner and form aforesaid, wilfully and unlawfully have engaged in a continuing combination and conspiracy in restraint of trade and commerce in beer between the several States of the United States of America and the Territory of Alaska, contrary to the form of the statute of the United States of America in such case made and provided, and against the peace and dignity of the United States of America. [25]

A True Bill:

IRA J. DIEM

Foreman

THURMAN ARNOLD

Assistant Attorney General

TOM C. CLARK

Special Assistant to the At-
torney General

J. CHARLES DENNIS

United States Attorney

CHARLES C. PEARCE

MANLEY B. STRAYER

Special Assistants to the At-
torney General

LEONARD A. MARCUSSEN

ROBERT McFADDEN

Special Attorneys

[Endorsed]: A true bill. Ira J. Diem, Foreman.
J. Charles Dennis.

[Endorsed]: Presented to the Court by the Foreman of the Grand Jury in open Court in the presence of the Grand Jury, and Filed in the U. S. District Court May 5, 1941. Millard P. Thomas, Clerk. By Elmo Bell, Deputy. [26]

In the District Court of the United States for the
Western District of Washington, Northern
Division

No. 45509

UNITED STATES OF AMERICA,
Plaintiff,

vs.

THE WASHINGTON BREWERS
INSTITUTE, et al.,
Defendants.

DEMURRER OF DEFENDANTS WASHINGTON BREWERS INSTITUTE, HENRY T. IVERS, HERBERT J. DURAND, BOHEMIAN BREWERIES, INC., EDWIN F. THEIS, IDAHO BREWERS INSTITUTE, INC., STEVE T. COLLINS, PIONEER BREWING CO., INC., RUSSELL G. HALL, BECKER PRODUCTS COMPANY, GUS L. BECKER AND C. C. WILCOX.

Come now the defendants Washington Brewers

Institute, Henry T. Ivers, Herbert J. Durand, Bohemian Breweries, Inc., Edwin F. Theis, Idaho Brewers Institute, Inc., Steve T. Collins, Pioneer Brewing Co., Inc., Russell G. Hall, Becker Products Company, Gus L. Becker and C. C. Wilcox, not confessing to be true any matter or thing alleged or charged in the indictment as entered in the above entitled cause, and state that said indictment and the matters and things therein contained, in the manner and form as said matters and things are therein set forth, are not sufficient in law to require the above named defendants, or any of them, to plead to or answer the said indictment, and that said indictment, and each count thereof, is not sufficient in law to sustain a verdict or judgment against said defendants, or any of them; and this defendant demures to and moves to dismiss said indictment, and each count thereof, upon the following grounds:

FIRST COUNT

The first count of said indictment is insufficient in law in that:

A. Said indictment does not state facts sufficient to constitute an offense against the United States and does not state facts sufficient to show the commission of any offense against the United States, or in violation of any law of the United States by the defendants, or any of them.

B. Said indictment does not state facts sufficient to constitute an offense by the defendants, or any of them, under or in violation of Section 1 of the

Act of Congress, known as the Sherman Antitrust Act, approved July 2, 1890, entitled "An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies," as amended by the Act of August 17, 1937, entitled "an Act to Provide Additional Revenue for the District of Columbia and for Other Purposes" (Title 15, United States Code, Section 1).

C. It does not appear from said indictment that the matters therein charged and alleged to constitute the offense upon which said indictment is based (to-wit: violation of the Sherman Antitrust Act) are subject to, or within, the jurisdiction of this Court; and in that behalf it does not appear that any of the matters charged involved, with respect to trade or commerce among the several states,

(a) any contract, combination, or conspiracy in restraint of any such trade; [66]

(b) any monopoly or attempt to monopolize or conspiracy to monopolize any such trade; or

(c) any effect upon such commerce, or any intent to affect the same.

D. It affirmatively appears in said indictment, and in each of the counts thereof, that the alleged wrongful and unlawful combination and conspiracy to raise, fix, stabilize and maintain uniform, artificial and non-competitive prices, and the alleged wrongful and unlawful acts of the defendants pursuant thereto, with which the defendants are charged, relate to trade and commerce in beer, which is defined in said indictment to be an alcoholic malt beverage, and is an intoxicating liquor within the mean-

ing of section 2 of the Twenty-First Amendment of the Constitution of the United States; that the Sherman Antitrust Act is not applicable to the alleged combination, conspiracy, and acts pursuant thereto, with which defendants are charged in said indictment, and said Sherman Antitrust Act is not enforceable against said defendants, or any of them; that the application and enforcement of said Sherman Antitrust Act against the defendants, or any of them, in this action would violate the rights of said defendants, and each of them, under the Fifth and Twenty-First Amendments to the Constitution of the United States, and would deprive them, and each of them, of liberty and property without due process of law.

E. Said indictment is vague, uncertain, and indefinite to an extent that the defendants, and each of them, are not advised thereby of the nature of the charges against them, or any of them, so that they may properly prepare and submit defenses thereto. No facts are stated sufficient to notify said defendants, or any of them, of the nature or cause of the accusations for which they are now sought to be placed on trial. Said indictment is vague, uncertain, and indefinite, as aforesaid, in the following particulars:

1. That it cannot be ascertained therefrom under subdivision (b), Paragraph 17, entitled: "Means Used to Effectuate Conspiracy," when, how, or in what manner defendants agreed upon, fixed, or determined prices to be charged in interstate trade. That it cannot be ascertained whether the acts

charged were in compliance with or done pursuant to the laws of the states from which or to which the beer is alleged to have been sold and distributed in interstate commerce.

2. That it cannot be ascertained from subdivision (c), Paragraph 17, how or in what manner defendants agreed upon or established uniform and non-competitive terms and conditions of sale, in what the alleged uniform and non-competitive terms and conditions of sale consisted, between whom such agreements were made, or what purchasers were required to adhere to said uniform and non-competitive terms and conditions of sale, or how such requirements were enforced. That it cannot be ascertained whether or not the acts charged by said subdivision (c) were in compliance with or done pursuant to the laws of the states from which or to which the beer is alleged to have been sold and distributed in interstate commerce, or in which same occurred.

[67]

3. That it cannot be ascertained upon what the classifications of purchasers referred to in subdivision (d) of said Paragraph 17 were based, whether all defendants agree upon the same classifications or same prices to be charged each classification, or how wholesalers, distributors, importers or retailers were required to adhere to such classifications or prices; or whether said wholesalers, distributors, importers and retailers were purchasers of beer intrastate or interstate; whether or not the acts charged by said subdivision (d) were in compliance with or done pursuant to the laws of the

states from which or to which the beer is alleged to have been sold and distributed in interstate commerce, or in which same occurred.

4. That it cannot be ascertained whether or not the acts alleged to have been done in subdivision (e) of said Paragraph 17 were intrastate or interstate, how the agreements were entered into, or with whom, or whether the practices therein referred to were in compliance with or done pursuant to the laws of the states from which or to which the beer is alleged to have been sold and distributed in interstate commerce or in which same occurred.

5. That it cannot be ascertained whether the acts charged in subdivision (f) of said Paragraph 17 were done by defendants, jointly or severally, intrastate or interstate. That it cannot be ascertained whether or not the fines and penalties referred to in said subdivision (f) were provided for by state laws, or whether defendants were authorized by the state laws to enforce or collect the same, or whether the offense charged is in not having paid the money collected to the states, or from whom said fines and penalties were collected, whether manufacturers, wholesalers, importers, or retailers.

6. That it cannot be ascertained whether the acts alleged to have been done under subdivision (g) of Paragraph 17 were done interstate or intrastate, by defendants jointly or severally, or whether the practices therein referred to were in compliance with or done pursuant to the laws of the states

from which or to which the beer may have been supplied, or in which the said acts occurred.

7. That it cannot be ascertained whether any of the acts referred to in subdivision (h) of Paragraph 17 were done interstate, or how the acts therein referred to affected interstate commerce, or whether said acts were in compliance with or done pursuant to the laws of the states in which same occurred.

8. That it cannot be ascertained from subdivision (i) of Paragraph 17 whether the laws of all of the states in the Pacific Coast area are uniform; whether it is claimed that defendants should not comply with the laws of the several states, whether the acts with which defendants are charged were done in compliance with or pursuant to said laws; whether defendants acted jointly in recommending and urging the adoption of said laws, or to whom the recommendations were made. That it further cannot be ascertained whether or not said respective laws were in force and effect during all the times referred to in said indictment, or during what portion of the time. [68]

9. That it cannot be ascertained from subdivision (j) of Paragraph 17 whether the meetings referred to were held between all the defendants, or where said meetings were held; whether the meetings or agreements had anything to do with interstate shipments, whether the postings and prices had reference to the defendants exclusively, or to other brewers; or whether the meetings and agree-

ments were in compliance with or pursuant to state laws.

10. That it cannot be ascertained from subdivision (k) of Paragraph 17 whether defendants located outside of any state sent price lists or price postings to the association existing in a state or states, other than that in which they manufactured and from which they shipped, how frequently or how often the practices referred to in said subdivision occurred, or whether all of the defendants engaged in said practice, whether the state laws prohibit such practice, or how it is known that said practices were not contemplated by the laws in force in said states, whether the prices were posted by the associations on behalf of defendants having their principal place of business in the particular states where posted, whether all of defendants posting prices in any particular zone or place posted through the association, for how many of defendants or what defendants the associations or what association posted prices which were in fact uniform and non-competitive.

11. That it cannot be ascertained from subdivision (l) of Paragraph 17 whether it is charged that defendants effectuated the conspiracy charged by selling beer at the prices and upon the terms and conditions of sale that had been posted.

12. That it cannot be ascertained from subdivision (m) of Paragraph 17 whether the acts therein charged were required by or in compliance with, or pursuant to state laws, or whether interstate sales are referred to by said subdivision.

13. That it cannot be ascertained from subdivision (n) Paragraph 17, how or by what means or method defendants attempted to induce breweries located in states outside the Pacific Coast area, as in said subdivision alleged, or whether defendants acted jointly in such efforts, or whether all price postings by defendants are referred to by said subdivision, or only price postings referred to in subdivision (k) of said Paragraph 17, or whether breweries located outside said area also posted prices in the states to which shipments were made.

14. That it cannot be ascertained from subdivision (o), Paragraph 17, how or by what means defendants attempted to induce breweries located outside of the states of the Pacific Coast area as in said subdivision alleged; whether such outside breweries posted prices, or whether what was done was in contemplation of and pursuant to state laws.

SECOND COUNT

The second count of said indictment is not sufficient in law in that: [69]

A. Said indictment does not state facts sufficient to constitute an offense against the United States and does not state facts sufficient to show the commission of any offense against the United States, or in violation of any law of the United States by the defendants, or any of them.

B. Said indictment does not state facts sufficient to constitute an offense by the defendants, or any of them, under or in violation of Section 3 or

the Act of Congress, known as the Sherman Anti-trust Act, approved July 2, 1890, entitled "An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies," as amended by the Act of August 17, 1937, entitled "An Act to Provide Additional Revenue for the District of Columbia and for Other Purposes" (Title 15, United States Code, Section 1).

C. It does not appear from said indictment that the matters therein charged and alleged to constitute the offense upon which said indictment is based (to wit: violation of the Sherman Antitrust Act) are subject to, or with, the jurisdiction of this Court; and in that behalf it does not appear that any of the matters charged involved, with respect to trade or commerce among the several states, or foreign nations.

(a) any contracts, combination, or conspiracy in restraint of any such trade;

(b) any monopoly or attempt to monopolize or conspiracy to monopolize any such trade; or

(c) any effect upon such commerce, or any intent to affect the same.

D. It affirmatively appears in said indictment, and in each of the counts thereof, that the alleged wrongful and unlawful combination and conspiracy to raise, fix, stabilize and maintain uniform, artificial and non-competitive prices, and the alleged wrongful and unlawful acts of the defendants pursuant thereto, with which the defendants are charged, relate to trade, and commerce in beer

which is defined in said indictment to be an alcoholic malt beverage, and is an intoxicating liquor within the meaning of section 2 of the Twenty-First Amendment to the Constitution of the United States; that the Sherman Antitrust Act is not applicable to the alleged combination, conspiracy, and acts pursuant thereto, with which defendants are charged in said indictment, and said Sherman Antitrust Act is not enforceable against said defendants, or any of them; that the application and enforcement of said Sherman Antitrust Act against the defendants, or any of them, in this action would violate the rights of said defendants, and each of them, under the Fifth and Twenty-First Amendments to the Constitution of the United States, and would deprive them, and each of them, of liberty and property without due process of law.

E. Said indictment is vague and indefinite as aforesaid, in the following particulars.

1. That it cannot be ascertained from subdivision (a) of Paragraph 22 whether it is claimed that all of defendants con- [70] tributed to all of the said associations in proportion to their respective aggregate sales in the state in which each said association is located.

2. That it cannot be ascertained from subdivision (b) of Paragraph 22 whether it is charged that prices for beer sold to Alaska were the same for beer shipped from all states in said Pacific Coast Area.

3. That it cannot be ascertained from subdivi-

sion (c) of Paragraph 22, between whom the contracts and agreements therein referred to were made, whether the terms and conditions referred to were terms and conditions of original sale, or terms and conditions of resale, or to what uniform and non-competitive terms and conditions of sale purchasers were required to adhere, or by what means they were required to adhere to same.

4. That it cannot be ascertained from subdivision (d), Paragraph 22, whether the classifications of purchasers were of purchasers from defendants, or of purchasers within the territory of Alaska of beer within the territory of Alaska.

5. That it cannot be ascertained from subdivision (e), Paragraph 22, whether or not the acts charged, or any thereof, were in compliance with or pursuant to the laws of the state or states from which the shipments were made, or the laws of the Territory of Alaska.

6. That it cannot be ascertained from subdivision (f), Paragraph 22, whether or not the acts charged, or any thereof, were in compliance with or pursuant to the laws of the state or states from which the shipments were made, or the laws of the Territory of Alaska.

6. (a) That it cannot be ascertained from subdivision (f), Paragraph 22, whether defendants jointly or severally employed agents and investigators as in said subdivision alleged.

7. That it cannot be ascertained from subdivision (g), Paragraph 22, whether it is charged that

all of defendants had contracts and agreements for supplies of beer to Alaska, or whether the threats alleged were made by defendants to those having contracts with them respectively, or whether defendants are charged with having threatened to cut off supplies or cancel contracts had with others than themselves respectively.

8. That it cannot be ascertained from subdivision (h), Paragraph 22, whether the prices in said subdivision referred to were resale prices, and if so, whether uniform resale prices are alleged to have been established by defendants for all beers manufactured and sold by defendants.

9. That it cannot be ascertained from subdivision (i), Paragraph 22, how or in what manner defendants attempted to induce or did induce breweries located in states outside of the Pacific Coast area to sell at prices alleged to have been fixed by defendants.

10. That subdivision (j), Paragraph 22, is uncertain, and it cannot be ascertained therefrom how or in what manner de- [71] fendants attempted to induce or did induce breweries outside of the Pacific Coast area, as in said subdivision referred to, or whether the price levels in said subdivision referred to were resale prices or between what character of buyers.

11. That subdivision (k) of Paragraph 22 is uncertain and that it cannot be ascertained therefrom whether all defendants sent price lists to all associations, or to the association in the state in which it was located.

Wherefore, these defendants pray that this demurrer be sustained; that the said indictment, and each count thereof, be dismissed as to these defendants and that these defendants be dismissed by the Court.

Dated this 19th day of June, 1941.

LENIHAN & IVERS

Attorneys for Defendants Washington Brewers Institute, Henry T. Ivers, Herbert J. Durand, Bohemian Breweries, Inc., Edwin F. Theis, Idaho Brewers Institute, Inc., Steve T. Collins, Pioneer Brewing Co., Inc., Russell G. Hall.

JAMES A. BROWN

Attorney for Defendants Bohemian Breweries, Inc.,
Edwin F. Theis.

C. STANLEY SKILES

Attorney for Defendants Idaho Brewers Institute,
Inc., Steve T. Collins.

J. A. HOWELL

Attorney for Defendants Becker Products Co., Gus
L. Becker, C. C. Wilcox.

Copy Received 6/21/41.

CHARLES C. PEARCE

Sp. Asst. to the Atty. Gen.

[Endorsed]: Filed Jun 21, 1941. [72]

[Title of District Court and Cause.]

ORDER OVERRULING DEMURRERS TO
INDICTMENT AND GRANTING MO-
TIONS FOR BILLS OF PARTICULARS
IN CERTAIN RESPECTS.

This matter having come on duly and regularly before the Honorable John C. Bowen, Judge of the above entitled Court; the defendants The Washington Brewers Institute, California State Brewers Institute, Idaho Brewers Institute, Inc., Brewers Institute of Oregon, Bohemian Breweries, Inc., Columbia Breweries, Inc., Golden Age Breweries, Inc., Interstate Brewery Company, Olympia Brewing Company, Pioneer Brewing Company, Seattle, Brewing & Malting Company, The Spokane Brewery, Inc., Acme Breweries, Pacific Brewing & Malting Company, Regal Amber Brewing Company, Rainier Brewing Company, Golden West Brewing Company, San Francisco Brewing Corporation, Becker Products Company, East Idaho Brewing, Inc., Overland Beverage Company, Inc., Great Falls Breweries, Inc., Blitz-Weinhard Company, Salem Brewery Association, Henry T. Ivers, Herbert J. Durand, Peter G. Schmidt, Edwin F. Theis, William H. Mackie, Karl F. Schuster, Joseph E. Knapp, William P. Baker, Joseph Goldie, James G. Hamilton, Charles H. Lurmann, Steve T. Collins, Henry W. Wessinger, George W. Stackman, George F. Paulsen, Rene Besse,

Joseph F. Lanser, Harry R. Lawton, G. V. Uhr, Adolph D. Schmidt, Russell G. Hall, Emil G. Sick, George W. Allen, Arnold Wark, Morris Rosauer, Louis T. Bravos, Joseph M. Rothchild, Gus L. Becker, C. C. Wilcox, E. Louis Powell, Louis Mathias and Armand J. Ravetti having [74] been heretofore indicted and duly arraigned under said indictment and having entered their true names, and all the defendants having thereafter interposed separate demurrers to the indictment, and the defendants The Washington Brewers Institute, Idaho Brewers Institute, Inc., Brewers Institute of Oregon, Bohemian Breweries, Inc., Columbia Breweries, Inc., Golden Age Breweries, Inc., Interstate Brewery Company, Olympia Brewing Company, Pioneer Brewing Company, Seattle Brewing & Malting Company, The Spokane Brewery Inc., Acme Breweries, Regal Amber Brewing Company, Rainier Brewing Company, Becker Products Company, East Idaho Brewing, Inc., Overland Beverage Company, Inc., Great Falls Breweries, Inc., Blitz-Weinhard Company, Salem Brewery Association, Henry T. Ivers, Herbert J. Durand, Peter G. Schmidt, Edwin F. Theis, William H. Mackie, Karl F. Schuster, William P. Baker, Joseph Goldie, Steve T. Collins, Henry W. Wessinger, George W. Stackman, George F. Paulsen, Rene Besse, Joseph F. Lanser, Harry R. Lawton, G. V. Uhr, Adolph D. Schmidt, Russell G. Hall, Emil G. Sick, George W. Allen, Arnold Wark, Morris Rosauer, Louis T.

Bravos, Joseph M. Rothchild, Gus L. Becker, C. C. Wilcox, E. Louis Powell, Louis Mathias and Armand J. Ravetti having filed motions for bills of particulars, and the Court having on December 23, 1941 delivered its oral opinion in open Court overruling the demurrers of the defendants and granting motions for bills of particulars in certain respects;

It Is Hereby Ordered, Adjudged and Decreed that the demurrers and each of them in all respects be, and they are hereby overruled.

It Is Further Ordered, Adjudged and Decreed that the motions for bills of particulars separately filed herein are allowed in the following respects only:

With respect to subdivision (c) of Paragraph 17 of Count I of the indictment, the plaintiff is hereby ordered and required to set forth the nature of the uniform and non-competitive terms and conditions of the sale of beer therein [75] mentioned.

With respect to subdivision (d) of Paragraph 17 of Count I of the indictment, the plaintiff is hereby ordered and required to set forth the basis for the classifications therein mentioned.

With respect to subdivision (e) of Paragraph 17 of Count I of the indictment, the plaintiff is hereby ordered and required to set forth the characteristics of the uniform types of bottles therein referred to.

With respect to subdivision (c) of Paragraph 22

of Count II of the indictment, the plaintiff is hereby ordered and required to set forth the nature of the uniform and non-competitive terms and conditions of the sale of beer therein mentioned.

With respect to subdivision (d) of Paragraph 22 of Count II of the indictment, the plaintiff is hereby ordered and required to set forth the basis for the classifications therein mentioned.

With respect to subdivision (e) of Paragraph 22 of Count II of the indictment, the plaintiff is hereby ordered and required to set forth the characteristics of the uniform types of bottles therein referred to.

In all other respects the separate demands for bills of particulars are in each and every instance denied, without prejudice, however, to the right of defendants to renew said demands at a reasonable time before the trial of the case if it appears that the plaintiff is then in a better position to give further information, without disclosing the plaintiff's evidence, which is needed and material to the defense.

It Is Further Ordered, Adjudged and Decreed that exceptions to these rulings taken on behalf of all defendants and on behalf of plaintiff herein, and to each and every [76] ruling, be and the same are hereby allowed.

Done in open Court this 19th day of January, 1942.

JOHN C. BOWEN

United States District Judge.

Presented by:

ROBERT McFADDEN

Special Attorney

Department of Justice.

BOGLE, BOGLE and GATES

RAY DUMETT

Attys for Defts Columbia

Breweries, Inc.

[Endorsed]: Filed Jan. 19, 1942. [77]

In the District Court of the United States for
the Western District of Washington, Northern
Division.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF ACME
BREWERIES

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Acme Breweries, a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Acme Breweries, a corporation, having

heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the Indictment herein, to which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the Indictment herein, the said defendant, Acme Breweries, a corporation, pay a fine to the United States of America in the sum of \$1,000.00 with costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the Indictment herein the said defendant, Acme Breweries, a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [117]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF GEORGE
W. ALLEN

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant, George W. Allen, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant, George W. Allen, having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant, George W. Allen, pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant, George W. Allen, pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [118]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,
Plaintiff,
vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,
Defendants.

JUDGMENT AND SENTENCE OF
WILLIAM P. BAKER

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant William P. Baker being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant William P. Baker having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises,
it is

Considered, Ordered and Adjudged that on Count
One of the indictment herein the said defendant
William P. Baker pay a fine to the United States
of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Ad-
judged by the Court that on Count Two of the in-
dictment herein the said defendant William P.
Baker pay a fine to the United States of America
in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October,
1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [119]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
BECKER PRODUCTS CO.

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Becker Products Company a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Becker Products Company, a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the Indictment herein,

to which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the Indictment herein, the said defendant Becker Products Company, a corporation, pay a fine to the United States of America in the sum of \$1000, with costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the Indictment herein the said defendant Becker Products Company, a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [120]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
GUS L. BECKER

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Gus L. Becker being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Gus L. Becker having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant Gus L. Becker pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant Gus L. Becker pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [121]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
RENE BESSE

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Rene Besse being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Rene Besse having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant Rene Besse pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant Rene Besse pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [122]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
BREWERS INSTITUTE OF OREGON

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Brewers Institute of Oregon, a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Brewers Institute of Oregon, a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the Indict-

ment herein, to which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant Brewers Institute of Oregon, a corporation, pay a fine to the United States of America in the sum of \$2,000.00, with costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the Indictment herein the said defendant Brewers Institute of Oregon, a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [123]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
BOHEMIAN BREWERIES, INC.

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Bohemian Breweries, Inc., a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Bohemian Breweries, Inc., a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the Indictment herein,

to which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant Bohemian Breweries, a corporation, pay a fine to the United States of America in the sum of \$1500 with costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the Indictment herein the said defendant Bohemian Breweries, a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [124]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,
Plaintiff,
vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,
Defendants.

JUDGMENT AND SENTENCE OF CALI-
FORNIA STATE BREWERS INSTITUTE

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant California State Brewers Institute, a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant California State Brewers Institute, a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the Indict-

ment herein, to which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant California State Brewers Institute, a corporation, pay a fine to the United States of America in the sum of \$2,000, with costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the Indictment herein the said defendant California State Brewers Institute, a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [125]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
STEVE T. COLLINS

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Steve T. Collins being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Steve T. Collins having heretofore entered a plea of nolo contendere to counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment herein,

to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant Steve T. Collins pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant Steve T. Collins pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [126]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
COLUMBIA BREWERIES, INC.

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Columbia Breweries, Inc., a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Columbia Breweries, Inc., a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the Indictment herein, to which said pleas of nolo contendere have been entered.

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the Indictment herein, the said defendant, Columbia Breweries, Inc., a corporation, pay a fine to the United States of America in the sum of \$1000, with costs.

It is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the Indictment herein the said defendant Columbia Breweries, Inc., a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [127]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
HERBERT J. DURAND

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Herbert J. Durand being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Herbert J. Durand having heretofore entered a plea of nolo contendere to counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant Herbert J. Durand pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant Herbert J. Durand pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [128]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
EAST IDAHO BREWING, INC.

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant East Idaho Brewing, Inc., a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant East Idaho Brewing, Inc., a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the Indictment herein,

to which said pleas of nolo contendere have been entered.

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the Indictment herein, the said defendant East Idaho Brewing, Inc., a corporation, pay a fine to the United States of America in the sum of \$750, with costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the Indictment herein the said defendant East Idaho Brewing, Inc., a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [129]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
RUSSELL G. HALL

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Russell G. Hall being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Russell G. Hall having heretofore entered a plea of nolo contendere to counts **One and Two of the indictment** herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in **Counts One and Two of the indictment** herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant Russell G. Hall pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant Russell G. Hall pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,
United States District Judge.

Presented by:

GARETH M. NEVILLE,
Special Attorney.

[Endorsed]: Filed Oct 26, 1942. [130]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
JAMES G. HAMILTON

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant James G. Hamilton being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant James G. Hamilton having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant James G. Hamilton pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant James G. Hamilton pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [131]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,
Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,
Defendants.

JUDGMENT AND SENTENCE OF
IDAHO BREWERS INSTITUTE, INC.

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Idaho Brewers Institute, Inc., a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Idaho Brewers Institute, Inc., a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the Indictment

herein, to which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the Indictment herein, the said defendant Idaho Brewers Institute, Inc., a corporation, pay a fine to the United States of America in the sum of \$1500 with costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the Indictment herein the said defendant Idaho Brewers Institute, Inc., a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [132]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,
Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,
Defendants.

JUDGMENT AND SENTENCE OF
INTERSTATE BREWERY COMPANY

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Interstate Brewery Company, a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Interstate Brewery Company, a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the Indictment herein,

to which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the Indictment herein, the said defendant Interstate Brewery Company, a corporation, pay a fine to the United States of America in the sum of \$1000, with costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the Indictment herein the said defendant Interstate Brewery Company, a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [133]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
HENRY T. IVERS

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant, Henry T. Ivers, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant, Henry T. Ivers, having heretofore entered a plea of nolo contendere to counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment herein, to

which, said pleas of nolo contendere have been entered.

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant, Henry T. Ivers, pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant, Henry T. Ivers, pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [134]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
JOSEPH E. KNAPP

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant, Joseph E. Knapp, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant, Joseph E. Knapp, having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment herein,

to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant, James E. Knapp (named Joseph E. Knapp in the indictment), pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant, Joseph E. Knapp, pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [135]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,

et al,

Defendants.

JUDGMENT AND SENTENCE OF
JOSEPH F. LANSER

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant, Joseph F. Lanser, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant, Joseph F. Lanser, having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment herein, to

which, said pleas of nolo contendere have been entered.

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant, Joseph F. Lanser, pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant, Joseph F. Lanser, pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [136]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
HARRY R. LAWTON

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant, Harry R. Lawton, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant, Harry R. Lawton, having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment herein, to

which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant, Harry R. Lawton, pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant, Harry R. Lawton, pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [137]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
WILLIAM H. MACKIE

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant, William H. Mackie, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant, William H. Mackie, having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein. which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment

herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant, William H. Mackie, pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant, William H. Mackie, pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,
United States District Judge.

Presented by:

GARETH M. NEVILLE,
Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [138]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
OLYMPIA BREWING COMPANY

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant, Olympia Brewing Company, a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant, Olympia Brewing Company, a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the Indictment herein, to

which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant, Olympia Brewing Company, a corporation, pay a fine to the United States of America in the sum of \$1500, with costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant, Olympia Brewing Company, a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [139]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
OVERLAND BEVERAGE COMPANY, INC.

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant, Overland Beverage Company, Inc., a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Overland Beverage Company, Inc., a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and

Two of the Indictment herein, to which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant, Overland Beverage Company, Inc., a corporation, pay a fine to the United States of America in the sum of \$500.00 with costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant, Overland Beverage Company, Inc., a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [140]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF PACIFIC
BREWING & MALTING COMPANY

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant, Pacific Brewing & Malting Company, a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant, Pacific Brewing & Malting Company, a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two

of the Indictment herein, to which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant, Pacific Brewing & Malting Company, a corporation, pay a fine to the United States of America in the sum of \$1000, with costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant Pacific Brewing & Malting Company, a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [141]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
GEORGE F. PAULSEN

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant George F. Paulsen being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant George F. Paulsen having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney *the Attorney General*, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and

Two of the indictment herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant George F. Paulsen pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant George F. Paulsen pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [142]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,
Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
PIONEER BREWING COMPANY

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Pioneer Brewing Company, a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Pioneer Brewing Company, a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the Indictment herein,

to which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the Indictment herein, the said defendant Pioneer Brewing Company, a corporation, pay a fine to the United States of America in the sum of \$750 with costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the Indictment herein the said defendant Pioneer Brewing Company, a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [143]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
E. LOUIS POWELL

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant E. Louis Powell being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant E. Louis Powell having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment herein,

to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant E. Louis Powell pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant E. Louis Powell pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [144]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,
Plaintiff,
vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,
Defendants.

JUDGMENT AND SENTENCE OF
REGAL AMBER BREWING COMPANY

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Regal Amber Brewing Company, a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Regal Amber Brewing Company, a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and

Two of the Indictment herein, to which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the Indictment herein, the said defendant Regal Amber Brewing Company, a corporation, pay a fine to the United States of America in the sum of \$1,000.00 with costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the Indictment herein the said defendant Regal Amber Brewing Company, a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [145]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,
Plaintiff,
vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,
Defendants.

JUDGMENT AND SENTENCE OF
ADOLPH D. SCHMIDT

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Adolph D. Schmidt being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Adolph D. Schmidt having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indict-

ment herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant Adolph D. Schmidt pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant Adolph D. Schmidt pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [146]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
PETER G. SCHMIDT

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Peter G. Schmidt being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Peter G. Schmidt having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment herein,

to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant Peter G. Schmidt pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant Peter G. Schmidt pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [147]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,
Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,
Defendants.

JUDGMENT AND SENTENCE OF
KARL F. SCHUSTER

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Karl F. Schuster being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Karl F. Schuster having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment

herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant Karl F. Schuster pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the indictment herein the said defendant Karl F. Schuster pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [148]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
SEATTLE BREWING & MALTING COMPANY

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Seattle Brewing & Malting Company, a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Seattle Brewing & Malting Company, a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and

Two of the Indictment herein, to which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the Indictment herein, the said defendant Seattle Brewing & Malting Company, a corporation, pay a fine to the United States of America in the sum of \$1500 with costs.

It Is Further Considered, Ordered, and Adjudged by the Court that on Count Two of the Indictment herein the said defendant Seattle Brewing & Malting Company, a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [149]

In the District Court of the United States for the
Western District of Washington, Northern Division.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
EMIL G. SICK

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Emil G. Sick being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Emil G. Sick having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the

indictment herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant Emil G. Sick pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered and Adjudged by the Court that on Count Two of the indictment herein the said defendant Emil G. Sick pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [150]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,
Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,
Defendants.

JUDGMENT AND SENTENCE OF
THE SPOKANE BREWERY, INC.

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant The Spokane Brewery, Inc., a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant The Spokane Brewery, Inc., a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the Indictment herein, to

which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant The Spokane Brewery, Inc., a corporation, pay a fine to the United States of America in the sum of \$1,000.00 with costs.

It Is Further Considered, Ordered and Adjudged by the Court that on Count Two of the indictment herein the said defendant The Spokane Brewery, Inc., a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942 [151]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
EDWIN F. THEIS

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant Edwin F. Theis, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant Edwin F. Theis having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the

indictment herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant Edwin F. Theis pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered and Adjudged by the Court that on Count Two of the indictment herein the said defendant Edwin F. Theis pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [152]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF

G. V. UHR

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant G. V. Uhr being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant G. V. Uhr having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the

indictment herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant G. V. Uhr pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered and Adjudged by the Court that on Count Two of the indictment herein the said defendant G. V. Uhr pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [153]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF
THE WASHINGTON BREWERS INSTITUTE

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant The Washington Brewers Institute, a corporation, being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant The Washington Brewers Institute, a corporation, having heretofore entered a plea of nolo contendere to Counts One and Two of the Indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the Indictment herein, to

which said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant The Washington Brewers Institute, a corporation, pay a fine to the United States of America in the sum of \$2,000.00 with costs.

It Is Further Considered, Ordered and Adjudged by the Court that on Count Two of the indictment herein the said defendant The Washington Brewers Institute, a corporation, pay a fine to the United States of America in the sum of \$1.00.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [154]

In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 45509

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE WASHINGTON BREWERS INSTITUTE,
et al,

Defendants.

JUDGMENT AND SENTENCE OF

C. C. WILCOX

This cause having come on regularly for hearing on this 26th day of October, 1942, and the defendant C. C. Wilcox being now regularly before the Court for sentence, and being informed by the Court of the charges herein, and the said defendant C. C. Wilcox having heretofore entered a plea of nolo contendere to Counts One and Two of the indictment herein, which pleas are accepted by the Court upon the consent of the United States of America by Gareth M. Neville, Special Attorney, Department of Justice, and there having been no trial of any issue of fact herein, and the said defendant being asked for legal cause to show why penalties should not be adjudged under the charges in Counts One and Two of the indictment herein, to which, said pleas of nolo contendere have been entered,

Wherefore, by reason of the law and the premises, it is

Considered, Ordered, and Adjudged that on Count One of the indictment herein the said defendant C. C. Wilcox pay a fine to the United States of America in the sum of \$250.00, without costs.

It Is Further Considered, Ordered and Adjudged by the Court that on Count Two of the indictment herein the said defendant C. C. Wilcox pay a fine to the United States of America in the sum of \$1.00, without costs.

Done in Open Court this 26th day of October, 1942.

JOHN C. BOWEN,

United States District Judge.

Presented by:

GARETH M. NEVILLE,

Special Attorney.

[Endorsed]: Filed Oct. 26, 1942. [155]

[Title of District Court and Cause.]

STIPULATION WITH RESPECT TO
CLERK'S RECORD ON APPEAL

Whereas, certain of the defendants herein have filed notice of appeal to the United States Circuit Court of Appeals for the Ninth Circuit, which

said notice of appeal is based upon the failure of the District Court to sustain the demurrers filed by the several defendants, appellants herein; and

Whereas, the inclusion in the record of the Clerk of each of the demurrers filed by each of the separate defendants, appellants herein, would unnecessarily encumber the record and would serve no good purpose; Now, Therefore,

It Is Stipulated by the counsel for the plaintiff and the defendants, appellants herein, that each of said defendants have filed demurrers herein but that the Clerk of the District Court shall include in his record only the demurrer filed herein on behalf of the defendants, Washington Brewers Institute, et al.

Dated at Seattle, Washington, this 25th day of November, 1942.

ROBERT McFADDEN,
Special Assistant to the
Attorney General.

HENRY T. IVERS,
Attorney for Defendants-
Appellants.

[Endorsed]: Filed Nov. 25, 1942. [160]

[Title of District Court and Cause.]

STIPULATION RE CLERK'S RECORD
ON APPEAL

Whereas, on the 25th day of November, 1942, a stipulation was entered herein with respect to the Clerk's record on appeal for the purpose of expediting the record and forwarding only one of the several demurrers filed; and

Whereas, it does not appear from such stipulation that the demurrers filed by the defendants not being included in the Clerk's record are upon the same grounds and raise the same questions as the demurrer which is being included; Now, Therefore,

It Is Hereby Stipulated that the demurrers filed by the defendants, appellants herein, which are not being forwarded as a part of the Clerk's record are upon the same grounds and raise the same questions as the demurrer on behalf of Washington Brewers Institute, et al, which is included in the Clerk's record.

Dated at Seattle, Washington, this 14th day of December, 1942.

CHARLES S. BURDELL,
Special Assistant to the
Attorney General.

HENRY T. IVERS,
Attorney for Defendants-
Appellants.

[Endorsed]: Filed Dec. 14, 1942. [1601½]

[Title of District Court and Cause.]

CERTIFICATE OF CLERK TO TRANSCRIPT
OF RECORD

United States of America,
Western District of Washington—ss.

I, Judson W. Shorett, Clerk of the United States District Court for the Western District of Washington, do hereby certify that the foregoing type-written transcript of record, consisting of pages numbered from 1 to 163, inclusive, is a full, true and complete copy of so much of the record, papers and other proceedings in the above and foregoing entitled cause, as is required by praecipe of counsel filed and shown herein, as the same remain of record and on file in the office of the Clerk of said

District Court at Seattle, and that the same constitute the record on appeal herein from the judgments of said United States District Court for the Western District of Washington, to the United States Circuit Court of Appeals for the Ninth Circuit.

I further certify that I transmit herewith as part of the record on appeal in this cause the original Assignment of Errors filed in this cause.

I further certify that the following is a true and correct statement of all expenses, costs, fees and charges incurred in my office by or on behalf of the appellant for making record, certificate or return to the United States Circuit Court of Appeals for the Ninth Circuit, to-wit: [164]

Clerk's fees (Act of Feb. 11, 1925) for making record, certificate or return, 393 folios at 15¢ \$ 58.95 and 49 folios at 05¢ (copies furnished).....	2.45
Appeal fees (16 Notices of Appeal at \$5.00 each)	80.00
Certificate of Clerk to Transcript of Record.....	.50
<hr/>	
Total.....	\$141.90

I hereby certify that the above amount has been paid to me by the attorneys for the appellants.

In Witness Whereof, I have hereunto set my hand and affixed the official seal of said District Court at Seattle, in said District this 17th day of December, 1942.

[Seal] JUDSON W. SHORETT,
Clerk of the United States District Court, West-
ern District of Washington,

By TRUMAN EGGER,

Chief Deputy. [165]

[Title of District Court and Cause.]

ASSIGNMENT OF ERRORS

Come now the defendants, Seattle Brewing & Malting Company, a corporation, The Spokane Brewing & Malting Company, a corporation, Regal-Amber Brewing Company, a corporation, California State Brewers Institute, a corporation, Olympia Brewing Company, a corporation, The Brewers Institute of Oregon, a corporation, Interstate Brewing Company, a corporation, Overland Beverage Company, a corporation, Columbia Breweries, Inc., a corporation, East Idaho Brewing Company, Inc., a corporation, Becker Products Company, a corporation, Bohemian Breweries, Inc., a corporation, Idaho Brewers Institute, Inc., a corporation, Washington Brewers Institute, a corporation, Pioneer Brewing Company, a corporation, William H. Mackie, Rene Besse, Emil G. Sick, George W. Allen, James E. Knapp, William P. Baker, James G. Hamilton, Carl F. Schuster, Peter G. Schmidt, Adolph D. Schmidt, George F. Paulsen, G. V. Uhr, Joseph F. Lanser, Harry R. Lawton, E. Louis Powell, Gus L. Becker, C. C. Wilcox, Edwin F. Theis, Steve T. Collins, Henry T. Ivers, Herbert J. Durand and Russell G. Hall by the undersigned, their attorneys, and file and present to the court their assignment of errors herein whereby the above named defendants, as appellants, assign as error in the record and proceedings of the District Court

of the United States within and for the Western District, Northern Division [166] of the Judicial District of Washington in the above entitled cause the following particulars and errors, to-wit:

1. That the court erred in overruling the defendants' demurrers to the indictment duly and regularly filed herein and overruled by the court by its order entered herein on the 19th day of January, 1942, over the exceptions of the defendants at the time.

Dated at Seattle, Washington this 25th day of November, 1942.

LENIHAN & IVERS,

HENRY S. IVERS,

Attorneys for Defendants-
Appellants.

Copy received this 25th day of November.

ROBERT McFADDEN,

Special Attorney,

Dept. of Justice.

[Endorsed]: Filed Nov. 25, 1942. [167]

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Washington Brewers Institute, et al., Appellants, vs. United States of America, Appellee. Transcript of Record. Upon Appeal from the District Court of the United

States for the Western District of Washington,
Northern Division.

Filed December 21, 1942.

PAUL P. O'BRIEN,
Clerk of the United States Circuit Court of Ap-
peals for the Ninth Circuit.

In the District Court of the United States
for the Western District of Washington,
Northern Division

No. 45509

UNITED STATES OF AMERICA,
Plaintiff,
vs.

WASHINGTON BREWERS INSTITUTE, et al.,
Defendants.

NOTICE OF APPEAL OF DEFENDANT
BECKER PRODUCTS COMPANY

Becker Products Company, a corporation, 1900
Lincoln Avenue, Gus L. Becker, 2408 Van Buren
Avenue, and C. C. Wilcox, 947 24th Street, all of
Ogden, Utah, Appellants.

J. A. Howell, 625 Eccles Building, Ogden, Utah,
Attorney for Appellants.

Offense—Violation of Sections 1 and 3 of the

Act of Congress approved July 2, 1890 entitled "An Act to Protect Trade and Commerce against unlawful Restraints and Monopolies" (26 Stat. 209).

Date of Judgment—October 26, 1942

Description of Judgment—Fine of \$1,001.00 against Becker Products Company, a corporation, fine of \$251.00 against Gus L. Becker and C. C. Wilcox.

We, the above named appellants, hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the judgment above mentioned on the grounds set forth below.

BECKER PRODUCTS
COMPANY

By G. L. BECKER

President

GUS L. BECKER

C. C. WILCOX

Appellants.

October 30, 1942.

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

Copy received Oct. 30th, 1942.

CHARLES S. BURDELL

Special Assistant to the
Attorney General

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 30, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 27, 1942, Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANT
EAST IDAHO BREWING, INC.

East Idaho Brewing, Inc., a corporation, Pocatello, Idaho, Appellant,

Bogle, Bogle & Gates, Cassius E. Gates and Ray Dumett, 603 Central Building, Seattle, Washington, Attorneys for Appellant.

Offense—Violation of Sections 1 and 3 of the Act of Congress approved July 2, 1890 entitled "An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies" (26 Stat. 209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$751.00 plus costs against East Idaho Brewing, Inc., a corporation.

The above named appellant hereby appeals to the United States Circuit Court of Appeals for the

Ninth Circuit from the judgment above mentioned on the grounds set forth below.

EAST IDAHO BREWING, INC.

By LAURENCE M. PERRISH

Its President

Appellant.

October 26, 1942.

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 31, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 27, 1942, Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANT
COLUMBIA BREWERIES, INC.

Columbia Breweries, Inc., a corporation, 2120 South "C" Street, Tacoma, Washington, Appellant,

Bogle, Bogle & Gates, Cassius E. Gates and Ray Dumett, 603 Central Building, Seattle, Washington, Attorneys for Appellant.

Offense—Violation of Sections 1 and 3 of the Act of Congress approved July 2, 1890 entitled “An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies” (26 Stat. 209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$1,001.00 plus costs against Columbia Breweries, Inc., a corporation.

The above named appellant hereby appeals to the United States Circuit Court of Appeals for the Ninth Circuit from the judgment above mentioned on the grounds sets forth below.

COLUMBIA BREWERIES, INC.

By NORMAN DAVIS

Its President

Appellant.

October 28th, 1942.

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 31, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 27, 1942, Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANTS,
WASHINGTON BREWERS INSTITUTE,
HENRY T. IVERS AND H. J. DURAND.

Washington Brewers Institute, a corporation, 908 Hoge Building, Henry T. Ivers, 910 - 17th Avenue, North, and H. J. Durand, 1902 Bigelow Avenue, North, all of Seattle, Washington, Appellants.

Henry T. Ivers, 1405 Hoge Building, Seattle, Washington, Attorney for Appellants.

Offense—Violation of Sections 1 and 3 of the Act of Congress approved July 2, 1890 entitled “An Act to Protect Trade and Commerce against unlawful Restraints and Monopolies” (26 Stat. 209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$2001.00 plus costs against Washington Brewers Institute, a corporation, fine of \$251.00 each against Henry T. Ivers and H. J. Durand.

We, the above-named appellants, hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the judgment above-mentioned on the grounds set forth below.

[Seal]

WASHINGTON BREWERS
INSTITUTE

By H. J. DURAND, Secy.

.....

H. J. DURAND,
Appellants.

October 26, 1942.

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

Copy received 10/26/42.

GARETH M. NEVILLE

Special Attorney, Department
of Justice.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 26, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 27, 1942, Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANTS,
COLUMBIA BREWERIES, INC., EAST
IDAHO BREWING CO., INC., JOSEPH F.
LANSER, HARRY P. LAWTON AND E.
LOUIS POWELL.

Columbia Breweries, Inc., a corporation, 2120 So. "C" Street, Tacoma, Washington, East Idaho Brewing Co., Inc., a corporation, Pocatello, Idaho, Joseph F. Lanser, Phoenix, Arizona, Harry P. Law-

ton, Flood Building, San Francisco, California, and
E. Louis Powell, Pocatello, Idaho, Appellants,

Bogle, Bogle and Gates, Cassius E. Gates and Ray
Dumett, 603 Central Building, Seattle, Washington,
Attorneys for Appellants.

Offense—Violation of Sections 1 and 3 of the Act
of Congress approved July 2, 1890 entitled “An Act
to Protect Trade and Commerce against unlawful
Restraints and Monopolies” (26 Stat. 209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$1,001.00 plus
costs against Columbia Breweries, Inc., a corpora-
tion, fine of \$751.00 plus costs against East Idaho
Brewing Co., Inc., a corporation, fine of \$251.00
against Joseph F. Lanser, fine of \$251.00 against
Harry P. Lawton, fine of \$251.00 against E. Louis
Powell.

We, the above-named appellants, hereby appeal
to the United States Circuit Court of Appeals for
the Ninth Circuit from the judgment above-men-
tioned on the grounds set forth below.

COLUMBIA BREWERIES,
INC.

By BOGLE, BOGLE & GATES,
CASSIUS E. GATES,
RAY DUMETT,

Their Attorneys of Record.
EAST IDAHO BREWING
CO., INC.

By BOGLE, BOGLE & GATES,
CASSIUS E. GATES,
RAY DUMETT,

Their Attorneys of Record
Appellants.

E. LOUIS POWELL
HARRY F. LAWTON
JOSEPH F. LANSER

By BOGLE, BOGLE & GATES,
CASSIUS E. GATES,
RAY DUMETT,

Their Attorneys of Record
Appellants.

October 26, 1942.

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

Copy received 10/26/42.

GARETH M. NEVILLE

Special Attorney, Department
of Justice

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 26, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 27, 1942. Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANTS
PACIFIC BREWERY & MALTING CO.,
AND JAMES E. KNAPP.

Pacific Brewing & Malting Co., a corporation, and
James E. Knapp, 2808 Russ Building, San Francisco,
California, Appellants,

Pillsbury, Madison & Sutro, 19th Floor, Standard
Oil Building, San Francisco, California, Attorneys
for Appellants.

Offense—Violation of Sections 1 and 3 of the Act
of Congress approved July 2, 1890 entitled “An Act
to Protect Trade and Commerce against unlawful
Restraints and Monopolies” (26 Stat. 209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$1,001.00 plus
costs against Pacific Brewing & Malting Co., a corporation,
fine of \$251.00 against James E. Knapp.

We, the above-named appellants, hereby appeal to
the United States Circuit Court of Appeals for the
Ninth Circuit from the judgment above-mentioned
on the grounds set forth below.

PACIFIC BREWING & MALTING CO.

By J. E. KNAPP,

President

J. E. KNAPP,

Appellants.

October 30, 1942.

Grounds of Appeal—That the indictment herein,
as to either or both counts thereof, does not state

facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

Copy received Oct. 30th, 1942.

CHARLES S. BURDELL,

Special Assistant to the At-
torney General

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 30, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 27, 1942. Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANTS
BOHEMIAN BREWERIES, INC., AND ED-
WIN F. THEIS.

Bohemian Breweries, Inc., a corporation, and Edwin F. Theis, 1402 W. Second Avenue, Spokane, Washington, Appellants,

James A. Brown, Paulsen Building, Spokane, Washington, and Henry T. Ivers, 1405 Hoge Building, Seattle, Washington, Attorneys for Appellants.

Offense—Violation of Sections 1 and 3 of the Act of Congress approved July 2, 1890 entitled “An Act to Protect Trade and Commerce against unlawful Restraints and Monopolies” (26 Stat. 209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$1,501.00 plus costs against Bohemian Breweries, Inc., a corporation, fine of \$251.00 against Edwin F. Theis.

We, the above-named appellants, hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the judgment above-mentioned on the grounds set forth below.

BOHEMIAN BREWERIES,
INC.

By EDWIN F. THEIS,
Pres.

EDWIN F. THEIS,
Appellants.

October 26, 1942.

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

Copy received 10/26/42.

GARETH M. NEVILLE

Special Attorney, Department
of Justice.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 26, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 16, 1942. Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANTS
CALIFORNIA STATE BREWERS INSTI-
TUTE AND JAMES G. HAMILTON.

California State Brewers Institute, a corporation,
and James G. Hamilton, 155 Montgomery Street,
San Francisco, California, Appellants,

Brobeck, Phleger and Harrison, and Moses
Lasky, 111 Sutter Street, and Emil Hoerschner,
Phelan Building, San Francisco, California, Attor-
neys for Appellants.

Offense—Violation of Sections 1 and 3 of the Act
of Congress approved July 2, 1890 entitled “An Act
to Protect Trade and Commerce Against unlawful
Restraints and Monopolies” (26 Stat. 209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$2,001.00 plus
costs against California State Brewers Institute, a
corporation, fine of \$251.00 against James G. Ham-
ilton.

We, the above-named appellants, hereby appeal to
the United States Circuit Court of Appeals for the
Ninth Circuit from the judgment above-mentioned
on the grounds set forth below.

[Seal] JAMES G. HAMILTON
CALIFORNIA STATE BREW-
ERS INSTITUTE

By JAMES G. HAMILTON

Secretary

Appellants.

October 26, 1942.

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

BROBECK, PHLEGER & HARRISON

MOSES LASKY

EMIL HOERSCHNER,

Attorneys for Above-named
Appellants

Copy received 10/26/42.

GARETH M. NEVILLE,

Special Attorney, Department
of Justice.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 26, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 11, 1942. Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANTS
ACME BREWERIES AND KARL F.
SCHUSTER.

Acme Breweries, a corporation, and Karl F. Schuster, 762 Fulton Street, San Francisco, California, Appellants,

Norman A. Eisner, Mills Building, San Francisco, California, Attorney for Appellants.

Offense—Violation of Sections 1 and 3 of the Act of Congress approved July 2, 1890 entitled “An Act to Protect Trade and Commerce against unlawful Restraints and Monopolies” (26 Stat. 209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$1,001.00 plus costs against Acme Breweries, a corporation, fine of \$251.00 against Earl F. Schuster.

We, the above-named appellants, hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the judgment above-mentioned on the grounds set forth below.

ACME BREWERIES,

a corporation

By KARL F. SCHUSTER,

President

KARL F. SCHUSTER,

Appellants.

October 26, 1942.

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

NORMAN A. EISNER

Attorney for above named
Appellants

Receipt of copy of the foregoing notice of appeal admitted this 26th day of October, 1942.

GARETH M. NEVILLE

Special Attorney, Department
of Justice.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 26, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 11, 1942. Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANTS
REGAL-AMBER BREWING CO. AND
WILLIAM P. BAKER

Regal-Amber Brewing Co., a corporation, and
William P. Baker, 675 Treat Street, San Francisco,
California, Appellants.

R. M. J. Armstrong, 550 Montgomery Street, San
Francisco, California, Attorney for Appellants.

Offense—Violation of Sections 1 and 3 of the
Act of Congress approved July 2, 1890 entitled
“An Act to Protect Trade and Commerce against
unlawful Restraints and Monopolies” (26 Stat.
209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$1001.00 plus
costs against Regal-Amber Brewing Co., a corpo-
ration, fine of \$251.00 against William P. Baker.

We, the above-named appellants, hereby appeal
to the United States Circuit Court of Appeals for
the Ninth Circuit from the judgment above-men-
tioned on the grounds set forth below.

REGAL - AMBER BREWING
CO.

By WM. P. BAKER,

President.

WM. P. BAKER,

Appellants.

October 26, 1942.

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

Copy Received 10/26/42.

GARETH M. NEVILLE,

Special Attorney, Dept. of
Justice.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, October 26, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed November 9, 1942, Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANTS THE
BREWERS INSTITUTE OF OREGON,
GEORGE F. PAULSEN, INTERSTATE
BREWING CO., AND G. V. UHR

The Brewers Institute of Oregon, a corporation, and George F. Paulsen, Multnomah Hotel, Portland, Oregon, Interstate Brewing Co., a corporation, and G. V. Uhr, 215 W. Seventh St., Vancouver, Washington, Appellants.

John M. Pipes, 713 Yeon Building, Portland, Oregon, Attorney for Appellants.

Offense—Violation of Sections 1 and 3 of the Act of Congress approved July 2, 1890 entitled “An Act to Protect Trade and Commerce Against unlawful Restraints and Monopolies” (26 Stat. 209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$2,001.00 against The Brewers Institute of Oregon, a corporation, fine of \$251.00 against George F. Paulsen, fine of \$1,001.00 against Interstate Brewing Co., a corporation, fine of \$251.00 against G. V. Uhr.

We, the above named appellants, hereby appeal to the United States Circuit Court of Appeals for

the Ninth Circuit from the judgment above-mentioned on the grounds set forth below.

[Seal] THE BREWERS INSTITUTE
OF OREGON,

By GEORGE F. PAULSEN,
Secretary.

GEORGE F. PAULSEN.

[Seal] INTERSTATE BREWING CO.,

By G. V. UHR,
Secretary.

G. V. UHR,
Appellants.

October 30, 1942.

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

Copy Received Oct. 30th, 1942.

CHARLES S. BURDELL,
Special Assistant to the At-
torney General.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 30, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 16, 1942, Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANTS
OLYMPIA BREWING COMPANY, PETER
G. SCHMIDT AND ADOLPH D. SCHMIDT

Olympia Brewing Company, a corporation, and
Peter G. Schmidt and Adolph D. Schmidt, Tum-
water, Washington, Appellants.

E. L. Skeel and Harry Henke, Jr., 914 Insurance
Building, Seattle, Washington, Attorneys for Ap-
pellants.

Offense—Violation of Sections 1 and 3 of the
Act of Congress approved July 2, 1890 entitled “An
Act to Protect Trade and Commerce against un-
lawful Restraints and Monopolies” (26 Stat. 209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$1501.00 plus
costs against Olympia Brewing Company, a corpo-
ration, fine of \$251.00 each against Peter G. Schmidt
and Adolph D. Schmidt.

We, the above-named appellants, hereby appeal
to the United States Circuit Court of Appeals
for the Ninth Circuit from the judgment above-
mentioned on the grounds set forth below.

OLYMPIA BREWING
COMPANY,

By PETER G. SCHMIDT,
President.

PETER G. SCHMIDT,
ADOLPH D. SCHMIDT,
Appellants.

October 26, 1942

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

Copy Received 10/26/42.

GARETH M. NEVILLE,

Special Attorney, Dept. of
Justice.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 26, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 16, 1942, Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANTS SEATTLE BREWING & MALTING COMPANY, THE SPOKANE BREWERY, INC., WILLIAM H. MACKIE, RENE BESSE, EMIL G. SICK AND GEORGE W. ALLEN

Seattle Brewing & Malting Company, a corporation, 3100 Airport Way, Seattle, Wash., The Spokane Brewery, Inc., a corporation, 829 W. Broadway Ave., Spokane, Wash., William H. Mackie, 3100 Airport Way, Seattle, Wash., Rene Besse, Salem, Oregon, Emil G. Sick, 3100 Airport Way, Seattle, Wash., and George W. Allen, 3100 Airport Way, Seattle, Wash., Appellants.

Chadwick, Chadwick & Mills, 656 Central Bldg., Seattle, Washington, Attorneys for Appellants.

Offense—Violation of Sections 1 and 3 of the Act of Congress approved July 2, 1890 entitled “An Act to Protect Trade and Commerce against unlawful Restraints and Monopolies” (26 Stat. 209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$1501 against Seattle Brewing & Malting Company, a corporation, fine of \$1001 against The Spokane Brewery, Inc., a corporation, fine of \$251 against William H. Mackie, fine of \$251 against Rene Besse, fine of \$251 against Emil G. Sick, fine of \$251 against George W. Allen.

We, the above-named appellants, hereby appeal to the United States Circuit Court of Appeals for

the Ninth Circuit from the judgment above-mentioned on the grounds set forth below.

SEATTLE BREWING &
MALTING COMPANY,
By STEPHEN L. CHADWICK,
THE SPOKANE BREWERY,
INC.,
By STEPHEN L. CHADWICK,
WILLIAM H. MACKIE,
RENE BESSE,
By STEPHEN L. CHADWICK,
EMIL G. SICK,
By STEPHEN L. CHADWICK,
GEORGE W. ALLEN,

October 26, 1942

Appellants.

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

Copy received Oct. 26, 1942.

GARETH M. NEVILLE,
Special Attorney, Dept. of
Justice.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 26, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 16, 1942, Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANTS PIONEER BREWING CO. AND RUSSELL G. HALL

Pioneer Brewing Co., a corporation, 4085 Lincoln Street, Aberdeen, Washington, and Russell G. Hall, 4085 Lincoln Street, Aberdeen, Washington, Appellants.

Lenihan & Ivers, 1405 Hoge Building, Seattle, Washington, Attorneys for Appellants.

Offense—Violation of Sections 1 and 3 of the Act of Congress approved July 2, 1890 entitled “An Act to Protect Trade and Commerce against unlawful Restraints and Monopolies” (26 Stat. 209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$751.00 plus costs against Pioneer Brewing Co., a corporation, fine of \$251.00 against Russell G. Hall.

We, the above-named appellants, hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the judgment above-mentioned on the grounds set forth below.

PIONEER BREWING CO.,

By R. G. HALL,

President.

R. G. HALL,

Appellants.

October 26, 1942

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

Copy Received 10/26/42.

GARETH M. NEVILLE,
Special Attorney, Dept. of
Justice.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 26, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 27, 1942, Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANT
OVERLAND BEVERAGE COMPANY

Overland Beverage Company, a corporation,
Nampa, Idaho, Appellant.

Edwin Snow, Boise, Idaho, and Henry T. Ivers,
1405 Hoge Building, Seattle, Washington, Attor-
neys for Appellants.

Offense—Violation of Sections 1 and 3 of the Act
of Congress approved July 2, 1890 entitled “An

Act to Protect Trade and Commerce against unlawful Restraints and Monopolies" (26 Stat. 209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$501.00 plus costs against Overland Beverage Company, a corporation.

I, the above-named appellant, hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the judgment above-mentioned on the grounds set forth below.

OVERLAND BEVERAGE
COMPANY,

By HENRY T. IVERS,
Appellant.

October 26, 1942

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the United States, nor a violation of any law of the United States.

Copy Received Oct. 29th, 1942.

CHARLES S. BURDELL,

Special Assistant to the At-
torney General.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 29, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 27, 1942, Paul P. O'Brien, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL OF DEFENDANT
IDAHO BREWERS INSTITUTE

Idaho Brewers Institute, a corporation, and Steve T. Collins, Boise, Idaho, Appellants.

C. Stanley Skiles, Boise, Idaho, and Henry T. Ivers, 1405 Hoge Building, Seattle, Washington, Attorneys for Appellants.

Offense—Violation of Sections 1 and 3 of the Act of Congress approved July 2, 1890 entitled “An Act to Protect Trade and Commerce against unlawful Restraints and Monopolies” (26 Stat. 209).

Date of Judgment—October 26, 1942.

Description of Judgment—Fine of \$1501.00 plus costs against Idaho Brewers Institute, a corporation, fine of \$251.00 against Steve T. Collins.

We, the above-named appellants, hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the judgment above-mentioned on the grounds set forth below.

IDAHO BEWERS
INSTITUTE,
By STEVE T. COLLINS,
STEVE T. COLLINS
Appellants.

October 26, 1942

Grounds of Appeal—That the indictment herein, as to either or both counts thereof, does not state facts sufficient to constitute an offense against the

United States, nor violation of any law of the United States.

Copy Received 10/26/42.

GARETH M. NEVILLE,
Special Attorney Dept. of
Justice.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 26, 1942. Judson W. Shorett, Clerk. By E. M. Rosser, Deputy.

[Endorsed]: No. 10303. United States Circuit Court of Appeals for the Ninth Circuit. Filed Nov. 27, 1942, Paul P. O'Brien, Clerk.

In the United States Circuit Court of Appeals for
the Ninth Circuit

No. 10303

WASHINGTON BREWERS INSTITUTE, et al.,
Appellants,

vs.

UNITED STATES OF AMERICA,
Respondent.

STATEMENT OF POINTS (RULE 19-6)

For the purpose of complying with Rule 19 (6) of the Rules of the United States Circuit Court of Appeals for the Ninth Circuit, the appellants hereby state that the points on which they intend to rely upon appeal and the portions of the record necessary for the consideration thereof are as follows:

1. That the demurrer to the indictment should have been sustained by the lower court and should be sustained by this court and the action, therefore, dismissed.

The portions of the record necessary for the consideration of this point are:

- (a) The indictment (Tr. 3);
- (b) Demurrer of defendants (Tr. 66);
- (c) Stipulation with respect to record on appeal (Tr. 160);
- (d) Stipulation with respect to record on appeal (Tr. 160-A);

(e) Order overruling demurrers (Tr. 74).

Dated at Seattle, Washington, this 18th day of December, 1942.

LENIHAN & IVERS,

HENRY T. IVERS,

Attorneys for Appellants.

Copy Received December 18th, 1942.

CHARLES S. BURDELL,

Spec. Asst. to the Atty. General.

[Endorsed]: Filed Dec. 21, 1942.